IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1118 OF 2005
IN
SUIT NO.3680 OF 2004

Rajesh M.Khadawala ....Plaintiff
V/s.
Naina N. Nisar @ Dr.N.N. Wade & Anr. ....Defendants

Mr.D.H. Mehta i/b Divya Shah Associates for the Plaintiff.
Mr.Shailesh Shah i/b K.L. Kharva for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 31ST JANUARY, 2006.

P.C. :

1. The Court Receiver has fixed the royalty at Rs.50,000/- per month. The Plaintiff's Architects report has assessed a fair and reasonable royalty at Rs.24,000/-. Even assuming that the area has been wrongly calculated by the Plaintiff's Architect, the same would come to about Rs.30,000/-

2. In the facts and circumstances of this case, the following order is passed:-

i). The royalty is fixed at Rs.45,000/- per month.

ii). The royalty shall be paid on or before 10th of each month commencing from 10.2.2006.

iii). In addition thereto, the arrears of royalty shall be paid at the rate of Rs.30,000/- per month commencing from 10th March, 2006.

iv). This order shall remain in operation for a period of three years. Liberty to the parties to apply thereafter.

3. Both the learned counsel have requested me not to give any reasons for the above order. The Chamber Summons is accordingly disposed of.

4. It is clarified that this order is without prejudice to all the rights and contentions of the parties. This order is also without prejudice to all the proceedings adopted or to be adopted by the parties.

5. Liberty to the Defendants to apply for withdrawal of the amount on making proper application.

. The Chamber Summons is made absolute in terms of prayer (a). The amendment to be carried out

within four weeks from today.